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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,245	02/26/2002	Daniel E. Ford	10014526-1	3479

7590 03/28/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/082,245

Applicant(s)

FORD ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/26/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 5, item 516. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show items 302,306, 312 and 320 of Figure 3 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Applicant has "shown" these features through "phantom box[es]" and "phantom lines". See page 7, paragraphs 0031-0032. The point of a drawing in a patent application is eliminated if Applicant is going to place numbers on a drawing pointing to nothing and say that those numbers reference a portion of the drawing that does not in fact exist within said drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The use of the trademarks SUN MICROSYSTEMS INC., JINI, JCORE, and THE HEWLETT-PACKARD COMPANY has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 24, 27 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most

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nearly connected, to make and/or use the invention. It is not clear which, if any, apparatus described in the specification is utilized to enable the invention according to the scope of these claims. The breadth of these claims causes the Examiner great uncertainty. Limited amounts of hardware are described in the specification and drawings [Ex. Figs. 1 and 2]. With regard to the necessary elements to perform claims 24, 27 and 30 according to the method of claim 1, the Examiner is unsure what hardware – if any – constitutes the necessary apparatus to perform the method of claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 8, 10-24, 27 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In regard to claims 24, 27 and 30, these claims are non-statutory based upon the non-statutory nature of claim 1. Additionally, these claims are directed to more than one statutory class of invention. No basis exists for permitting combination of two separate and distinct classes of invention in a single claim. *Ex parte Lyell*, 17 USPQ2d 1548.

8. The term "remoteness" in claims 8, 16-17 and 21, "remote" or "remotely" in claims 1, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, are relative terms which render the claims indefinite. The term "remoteness" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner is unclear at what point the remote logger would meet the "remoteness" requirement in order to necessitate inclusion of a storage area network within the communication path. The Examiner has no definition of what is considered "remote" or "remotely" and is not sure what they are being compared to in order to ascertain the level or degree of being "remote", "remotely", or "remoteness".

9. The terms "local" and "locally" in claims 1, 2, 10, 11, 12, 13, 14, 15, 18, 19, 22, and 23 are relative terms which renders the claims indefinite. The terms "local" and "locally" are not defined by the claim, the

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specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. As with the terms "remote", "remotely" and "remoteness", the Examiner does not have a quantifiable amount to judge locality in general or from what reference point to make the locality judgment.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-7, 9-15, 18-20, 22-24, 27 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

12. Claims 1-7, 9-15, 18-20, 22-24, 27 and 30 are directed to non-statutory embodiments. No computer hardware is mentioned at any point within these claims that would allow for a statutory embodiment. For example, all limitations of claim 1 can be performed by a pencil, a piece of paper, and a human being making a decision.

13. Claims 24, 27 and 30 are directed to more than one statutory class of invention. No basis exists for permitting combination of two separate and distinct classes of invention in a single claim. "A claim of this type is precluded by the express language of 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only." *Ex parte Lyell*, 17 USPQ2d 1548.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-5, 8-10, 19-25, 27-28 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent No. 5,857,190).

16. In regard to claims 1, 19, 24, 25, 27, 28, 30 and 31, Brown discloses *receiving a notice of locally-originated loggable information; determining whether said information satisfies a first criterion; and notifying, if said first criterion is satisfied, a remote logger service of said information*. See Brown, Figures 2 and 4, column 2, lines 36-56, column 2, lines 59-66. By this rationale claims 1, 19, 24, 25, 27, 28, 30 and 31 are rejected.

17. In regard to claims 2 and 22, Brown is applied as in claims 1 and 19. Brown further discloses *making an entry in a local log for the information corresponding to said notice*. See Brown, abstract. By this rationale claims 2 and 22 are rejected.

18. In regard to claims 3-5, Brown is applied as in claim 1. Brown further discloses an event evaluator that can filter events being logged based on multiple classes, types, and "degrees of importance." See Brown, column 5, line 25 – column 6, line 32. This section of Brown meets all limitations of claims 3-5, including utilizing multiple criteria in determining whether data should be logged and utilizing information priority levels as criteria for logging. By this rationale claims 3-5 are rejected.

19. In regard to claim 8, Brown is applied as in claim 1. Brown further discloses use of a storage area network. See Brown, Abstract, where the Examiner considers distribution network to perform the same functionality as storage area network in regard to the invention. By this rationale claim 8 is rejected.

20. In regard to claim 9, Brown is applied as in claim 1. Brown further discloses *first criterion is a level of information priority*. See Brown, column 5, line 43 – column 6, line 33. By this rationale claim 9 is rejected.

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21. In regard to claim 10, the limitations of this claim are embodied within the limitations of claims 1-4. Therefore the rejections to claims 1-4 are equally applicable to claim 10. By this rationale claim 10 is rejected.

22. In regard to claim 20, Brown is applied as in claim 19. Brown further discloses *said remote service is at least one of a support provider or a maintenance provider*. See Brown, column 4, lines 1-4. By this rationale claim 20 is rejected.

23. In regard to claims 21 and 23, Brown is applied as in claim 19. Brown further discloses *said remote service is of such remoteness as to include the Internet as part of a communication path thereto*. See Brown, column 4, lines 25-46. By this rationale claims 21 and 23 are rejected.

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 26, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Nemitz (U.S. Patent No. 6,381,712).

26. In regard to claims 26, 29 and 32, Brown is applied as in claims 25, 28 and 31. Brown fails to disclose the use of JINI or JCORE distributed computing technology. However, Nemitz discloses the use of JINI for error detection. See Nemitz, column 3, lines 13-48. It would be obvious to one of ordinary skill in the art to use Nemitz with Brown for the purpose of avoiding drivers and connection procedures and adding devices freely to a self-managing network. [Nemitz, column 3, lines 13-21] Brown gives motivation for the combination by stating that in order for remote logging to occur, computers must know what devices are going to log events. [Brown, column 2, lines 1-7] By adding a device without



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connection procedures but rather by using JINI, Brown would easily be able to detect other devices on the network. The art is analogous because both Brown and Nemitz deal with error detection and notification. By this rationale claims 26, 29 and 32 are rejected.

27. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

28. In regard to claims 6-7, Brown is applied as in claim 5. Brown fails to disclose assigning numbers in a certain fashion to priority level information and using those numbers with predetermined values in order to filter events. However, Brown does disclose assigning numbers to priority level information and using that number to partition events so the administrator can "selectively determine the level of events that are reported." See Brown, column 6, lines 25-33. It would be obvious to one of ordinary skill in the art to assign numbers in any way to priority levels and use them to filter information using any method, because assigning numbers in any specific order and deciding which ones in a group to select based on their number is basic mathematics. By this rationale claims 6-7 are rejected.

29. Claims 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Chappell et al. (NetWare LAN Analysis).

30. In regard to claims 11-15 and 18, the limitations of these claims are embodied within the limitations of claims 1-4. Brown is applied as in claims 1-4. Brown fails to disclose multiple nodes entering information into a log file ordered based on the time stamp of the information upon receipt of the information. However, Chappell discloses multiple users sending data to a network management event log based on alarms that orders entries based upon time of receipt by the server management system holding the event log. See Chappell, 553-567, especially Figure 28.5 and 28.10. It would be obvious to one of ordinary skill in the art to combine Brown and Chappell in order to have a synchronized time to establish the order in which events take place. [Chappell, 433] Brown gives motivation for the combination by stating that events can be reported in real-time. [Brown, column 7, lines 58-59] By this rationale claims 11-15 and 18 are rejected.

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31. In regard to claims 16-17, Brown and Chappell are applied as in claims 11 and 15. Brown further discloses use of a storage area network. See Brown, Abstract, where the Examiner considers distribution network to perform the same functionality as storage area network in regard to the invention. By this rationale claims 16-17 are rejected.

### ***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner has found multiple pieces of art that also deal with information logging in a fashion similar to both Brown and Applicant's claimed invention, including but not limited to:

- |                   |                           |
|-------------------|---------------------------|
| • Lee et al.      | U.S. Patent No. 6,601,100 |
| • Seshadri et al. | U.S. Patent No. 6,615,201 |
| • Groath et al.   | U.S. Patent No. 6,571,285 |
| • Waldo et al.    | U.S. Patent No. 6,760,736 |
| • Park et al.     | U.S. Patent No. 6,769,003 |
| • Wilding et al.  | U.S. Patent No. 6,813,623 |

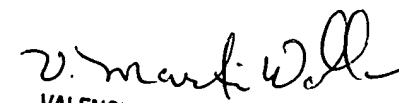
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMS

  
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